

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TABATHA BARNES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-16-184-HE
)	
CITY OF OKLAHOMA CITY,)	
A municipal corporation, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS CITY, CITY AND GREGORY’S
OBJECTIONS TO PLAINTIFFS’¹ [sic] EXHIBITS**

COME NOW, Defendants, The City of Oklahoma City (“City”), Rocky Gregory (“Gregory”) and then Chief of Police Bill City (“City”) and object to Plaintiffs’ [sic] Exhibit List as follows:

No.	Exhibit	Objection
1	Verdict forms, judgment & sentence in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.);	Irrelevant, FRE 401-404
4	Transcripts of all depositions conducted as part of this case	Transcripts of depositions are not admissible. Rule 32 of the Federal Rules of Civil Procedure.
9	Reports generated by OCPD officers and documents compiled in the investigations designated by OCPD case numbers 14-049050 (Plaintiff Ligons), 14-066104 (Plaintiff [sic] Ellis), 14-066183 (Ms. Florene Mathis), 14-066583	Irrelevant, FRE 401-404; Hearsay, FRE 801-802

¹ Plaintiff Barnes did not file a Witness or Exhibit List and is not listed as a participant in this list. These Defendants object to her being allowed to call any witnesses and /or introduce any exhibits pursuant to ¶¶ 3, 4 and 5 of this Court’s Scheduling Order and Rules 16 and 26 of the Federal Rules of Civil Procedure. See also *Link v. Wabash Railroad Company*, 370 U.S. 626 (1962).

	(Plaintiff Johnson), 14-070895 (Plaintiff [<i>sic</i>] Grate), 14-076818 (Plaintiff Lyles), 14-083072 (Plaintiff Gardner), 14-083092 (Ms. Syrita Bowen), 14-085523 (Plaintiff [<i>sic</i>] Copeland), 14-041539 (Plaintiff Morris), 14- 068166 (Plaintiff Barnes), 14-068786 (Plaintiff Raines), and 14-078745 (Plaintiff Hill)	
12	Photo lineup prepared by Lt. Muzny that Defendant [<i>sic</i>] Gregory attempted to show Plaintiff Morris on June 3, 2014;	Irrelevant, FRE 401-404
13	Emails between Maj. Wenzel and Defendant Holtzclaw exchanged in January of 2013	Irrelevant, FRE 401-404
14	OCPD personnel investigations involving allegations of sexual misconduct from January of 2011 through October of 2014	Irrelevant, FRE 401-404
15	OCPD personnel investigations involving Defendant Holtzclaw's uses of force and formal complaint	Irrelevant, FRE 401-404
16	Emails and memoranda of officers in Defendant Holtzclaw's chain of command (<i>i.e.</i> , Arthur Gregory, Aven Bull, Robert Coniglione, Jason Clifton, William Patten, Brian Jennings, Tom Jester, and Bill Citty) relating to performance issues, citizen complaints, uses of force, discipline, and training	Failure to specify; Irrelevant, FRE 401-404
18	OCPD operations manual (July 2013)	Failure to specify. A large portion of this Manual is irrelevant, FRE 401-402.
19	OCPD training materials for recruit class 128	Failure to specify; A large portion of these materials are irrelevant, FRE 401-404.
20	OCPD training materials for supervisors	Irrelevant, FRE 401-404

22	Statements given to the media by Defendants Holtzclaw, Gregory, and Citty, and by Detective Kim Davis	Irrelevant, FRE 401-404; Hearsay, FRE 801-802; Not sworn testimony
23	OCPD Facebook posts related to Defendant Holtzclaw	Irrelevant, FRE 401-404
24	Excerpts from Notebook of Deputy Chief Johnny Kuhlman	Redundant; See Plaintiffs [<i>sic</i>] No. 17

MAY USE

1	Other filings in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.)	Irrelevant, FRE 401-404; Hearsay, FRE 801-803
2	Exhibits used in the jury trial in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF- 2014-5869 (Okla. Cty. Dist. Ct.)	Failure to specify – Defendants cannot object until specifically identified.
3	All exhibits used in any deposition conducted as part of this case	Failure to specify – Defendants cannot object until specifically identified.
4	AVL data, and OLETS, CIU, VARUNA, and Unit 800 records checks precipitated by Defendant Holtzclaw in connection with the encounters with Plaintiffs that formed the basis for Plaintiffs' claims	Failure to specify – Defendants cannot object until specifically identified.
5	Defendant Holtzclaw's personnel file	Irrelevant, FRE 401-404
6	OCPD standard operating procedures for the Sex Crimes Unit, Springlake Division, Office of Public Integrity, and Office of Internal Affairs	Failure to specify; Irrelevant, FRE 401-404
7	Letters of Defendant Holtzclaw to supporters on change.org page	Irrelevant, FRE 401-404
8	Defendant Holtzclaw's Facebook Live videos	Irrelevant, FRE 401-404

9	Any exhibit listed by any other party in this case (including related cases CIV-16-0019-HE, CIV-16-0349-HE, and CIV-16-0412-HE) not objected to by these Plaintiffs	Failure to specify.
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Respectfully Submitted,

Kenneth Jordan
MUNICIPAL COUNSELOR

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 and Gregory

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2020, I electronically transmitted the attached document to the Clerk of the Court using the ECF filing system and transmittal of a Notice of Electronic Filing to the following ECF registrants: Melvin C. Hall, mhall@riggsabney.com, Cody Gilbert, gilbertlawok@gmail.com; Kymberli Heckenkemper, Kheckenkemper@riggsabney.com; Damario Solomon-Simmons, dss@solomonsimmons.com; Attorneys for Plaintiffs; Ambre C. Gooch, gooch@czwglaw.com, Attorney for Defendant Bennett; and James Hankins, jameshankins@ocdw.com, Attorney for Defendant Holtzclaw.

/s/ Richard C. Smith
 Assistant Municipal Counselor